

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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689 EATERY CORP., etc., *et ano.*, :
Plaintiffs,
:
- against - : Civil Action No.
02 CV 4431 (LJL)

THE CITY OF NEW YORK, et al., :
Defendants.. :
-----X

59 MURRAY ENTERPRISES INC., etc., *et al.*, :
Plaintiffs,
:
- against - : Civil Action No.
02 CV 4432 (LJL)

THE CITY OF NEW YORK, et al., :
Defendants. :
-----X

CLUB AT 60TH STREET, INC., etc., *et al.*, :
Plaintiffs,
:
- against - : Civil Action No.
02 CV 8333 (LJL)

THE CITY OF NEW YORK, :
Defendant. :
-----X

336 LLC., etc., *et al.*, :
Plaintiffs,
:
- against - : Civil Action No.
18 CV 3732 (LJL)

THE CITY OF NEW YORK, *et al.*, :
Defendants. :
-----X

STIPULATION AND (PROPOSED) ORDER TO CONFORM PLEADINGS TO PROOF

Come now counsel for all the parties hereto and enter into the following stipulation:

1. In order to avoid potentially significant additional cost and delay, the parties hereby stipulate that Plaintiffs' operative pleadings in each of the four above-entitled actions shall be deemed conformed to include the allegations that New York City Department of Building's ("DOB") permitting procedures are more onerous for adult establishments as a result of the requirement set forth in DOB's Operations Policy and Procedure Notice 6/96 that certain permit applications submitted by adult establishments include an area diagram detailing all uses within 500 feet of the location as well as potential delays with respect to notices to revoke permits after they have been issued.

2. The parties further agree that defendants' previously filed answers to the various complaints and amended complaints in each of the four above-entitled actions shall be deemed conformed to include denials of the allegations referenced in paragraph 1.

3. By agreeing to this Stipulation, the City does not waive its right to dispute any such allegations.

Dated: May 5, 2023

Respectfully submitted,

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IT IS SO ORDERED

United States District Judge

Dated May ____, 2022